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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/04/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,402

Applicant(s)

BRITT ET AL.

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al (5903732).
4. Regarding claim 1, Reed et al show a client system with computer and program instructions communicating with a server (Abstract, Figure 2, column 3 lines 40-60), a method of restoring a corrupted portion of program instructions at the client (column 6 lines 25-49) including: checking the validity of system program instructions and application program instructions at the client to determine if a corrupted portion exists (column 6 lines 14-40), and if determined that either have a corrupted portion, connecting the client to the server (such as over the Web column 5 lines 30-55),

receiving replacement instructions from the server and replacing the corrupted portion with the replacement instructions (column 6 lines 30-65).

5. Regarding claim 2, validity check uses a checksum technique (column 6 lines 30-40).

6. Regarding claim 3, the act of connecting the client to the server includes selecting a local connection script associated with the server (column 5 lines 10-30, inherent).

7. Regarding claim 4, a default connection script is read from the memory of the client to connect to a remote computer and the selected local script is downloaded (column 5 lines 40-62).

8. Regarding claim 5, the replacement instructions are automatically (without user intervention) requested after connecting to the server, and received (column 6 lines 40-55).

9. Regarding claim 7, the replacement instructions are written to a random access memory, decompressed, and written to a flash memory of the client (column 6 lines 50-63, column 4 lines 40-56, inherent).

10. Regarding claim 8, the instructions are received over the Internet (column 6 lines 1-30 for example).

11. Regarding claim 9, the application instructions include a browser which may include the corrupted portion (column 4 lines 40-51, inherent).

12. Regarding claim 11, validity is checked during initialization (column 6 lines 24-35).

13. Claims 12-13 show the same features as claims 1-2 respectively and are rejected for the same reasons.

14. Claim 14 shows the same features as claim 7 and is rejected for the same reasons.

15. Regarding claim 15, an example of this is checking validity upon an initialization sequence, and thus this is rejected for the same reasons as claim 12.

16. Claims 16-17 are rejected for the same reasons as claims 1-2. In addition, note that the portion being represented as a block is inherent.

17. Claim 18 is rejected for the same reasons as claim 8.

18. Claims 19-20 are rejected for the same reasons as claims 6-7.
19. Regarding claim 22, checking validity comprises identifying specific addresses associated with the identified corrupted blocks (column 6 lines 20-45).
20. Claim 23 is rejected for the same reasons as claim 7.
21. Claim 24 is rejected for the same reasons as claim 5.
22. Claims 25-26 are rejected for the same reasons as claims 16-17.
23. Claim 27 is rejected for the same reasons as claim 23 (and claim 7).
24. Claim 28 is rejected for the same reasons as claim 15.
25. Claim 29 is rejected for the same reasons as claim 22.
26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Reed et al 5903732) and Fowlow (6260078).

28. Regarding claim 10, Reed et al do not specifically show the Java applet, but it is common in the art to use Java applets to transmit instructions over the Internet (see for example Fowlow column 3 lines 25-60). Reed et al shows transmitting instructions over the Internet. It would have been obvious to a person with ordinary skill in the art to use Java applets in the invention of Reed et al, because it would be an efficient way to transmit instructions over the Internet.

29. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (6202207) and Logan et al (6199076)

30. Regarding claims 6 and 21, Donohue does not specifically go into the details of using the satellite link to download the instructions, but does mention efficient downloading of instructions over a network. Furthermore, Logan et al show efficient downloading of instructions over a network, using a satellite link (column 7 lines 40-55). It would have been obvious to a person with ordinary skill in the art to use a satellite link

in the invention of reed et al, because it would be an efficient way to download instructions over a network.

31. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note that any Continuity In Part dating before the 5940074 patent does not contain the relevant matter pertaining to the claims in this application.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEVEN SAX
PRIMARY EXAMINER